

### **REMARKS**

Claims 1-20 are pending. In the office action mailed September 23, 2008, the claims were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. pre-grant publication 2002/00292214 by Yianilos in view of U.S. patent 5,649,089 to Kilner.

The office action made the claim rejections final. For reasons set forth below, the claim rejections were improper and should be withdrawn. This amendment should be entered under 37 C.F.R. §1.116 because no new search is required and because it places the application in better form for appeal.

Referring now to the claims, each requires “hash values” to be computed and to be used to determine whether data bases need to be synchronized to each other. Paraphrased, the claims require that group hash values be formed over hash values that are formed from individual database records.

In the office action, the Examiner admitted that Yianilos does not teach forming a group hash value from hashes of individual records.<sup>1</sup> The Examiner cited Kilner as ostensibly teaching the formation of a group hash value from several hash values of individual records. The Examiner alleged that the combined teachings of Yianilos and Kilner satisfy the limitations of the pending claims and rejected the claims as being obvious under §103(a). Column 2, lines 39-47 of Kilner was identified as teaching the formation of a group hash value from individual record hash values, which the pending claims require.

The Kilner passage in column 2, lines 39-47, which was cited by the Examiner is inset below.

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<sup>1</sup> Yianilos could not support a claim rejection under 35 U.S.C. §102.

database. In order to achieve the redundant controller  
40 system, a central processor (not specifically shown but  
included within the network or active controller) modifies a  
record which includes a record checksum and incorporates  
the record checksum into an active checksum for the active  
data base. The active controller communicates the record,  
45 including the record checksum, and record number to the  
standby controller for incorporation into the standby data-  
base and concurrently constructs a virtual checksum. The

(Emphasis added.)

The Kilner text cited by the Examiner does not teach or suggest forming a group hash value from individual hash values; it teaches the formation of a group checksum from individual checksums. Checksums are not hash values.

*The Computer Desktop Encyclopedia*<sup>2</sup> defines a “hash value” to be a fixed-length result of a one-way hash function. (Emphasis added.) “Hash function” is defined by the same reference as, “an algorithm that turns a variable-sized amount of text into a fixed-sized output,” i.e., a hash value. “Checksum” is defined as:

“A value used to ensure data is stored or transmitted without error. It is created by calculating the binary values in a block of data using some algorithm and storing the results with the data. When the data is retrieved from memory or received at the other end of a network, a new checksum is computed and matched against the existing checksum. A non-match indicates an error.

The pending claims all require the formation of a group hash value from individual record hash values. The prior art cited by the Examiner teaches the formation of a group

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2. Copyright 2001, The Computer Language Company, Inc., Point Pleasant, PA. Available on line at [www.computerlanguage.com](http://www.computerlanguage.com).

checksum from individual record checksums. No one of ordinary skill in the art would consider a hash value to be a checksum. Pending claim limitations are thus missing from the prior art references that were cited by relied upon by the Examiner. If the Examiner contends that hash values are checksums, the Applicant asks the Examiner to identify at least one recognized and authoritative reference that states that a checksum is that same as a hash value.

For these reasons, therefore, the Applicant believes the recited invention to be patentably distinguishable over the cited combination of references. Accordingly, reexamination and reconsideration for allowance of the claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

/Robert H. Kelly/

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Robert H. Kelly  
Registration No. 33,922

KELLY & KRAUSE, L.P.  
6600 LBJ Freeway, Suite 275  
Dallas, Texas 75240  
Telephone: (214) 446-6684  
Fax: (214) 446-6692